IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 6419 OF 2006.

Miss Supriya D/o Prakash Khirade ..Petitioner
V/s
The State of Maharashtra and others ..Respondents.

Mr. J.G. Reddy for petitioner.

Mr. A.A. Kumbhakoni, Associate Advocate General with Mr. P.I. Khemani,AGP for respondent Nos. 1 to 3.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 18TH DECEMBER, 2006.

P.C.

. Heard Mr. Reddy, the learned Counsel for the petitioner and Mr. Kumbhkoni, the learned Associate Advocate General for the respondent State authorities.

2. The petitioner had appeared for the CET for the academic year 2006-07, both for Engineering as well as Medical. She belongs to the reserved category of Scheduled Caste and while she was waiting for her MBBS admission she got admission for the first year of BE (Computer) at the Government College of Engineering at

Aurangabad under the merit quota and she accepted the same allocation. While, she was studying in the first year B.E., in August 2006, she received communication regarding her admission to the MBBS Course in the 30% quota for the girls in S.C. category in the Grant Medical College, Byculla and therefore, she accepted the said offer and gave up her engineering seat at the Government College at Aurangabad. However, by the impugned order dated 17th September, 2006, she was further informed by the Competent Authority and Director of Medical Education, State of Maharashtra, that her admission to the MBBS Course in the Grant Medical College, Mumbai was wrongly granted and it was a mistake in the computers. When notices were issued by this Court, Dr. V.B. Tayade, Director of the Medical Education and Research, Maharashtra State has filed the affidavit-in-reply and has pointed out that it was a mistake in the computer system and by superseding the claim of about 337 meritorious students belonging to the S.C. category, the petitioner was granted admission. When this error in the computer was detected, she was informed accordingly, and it has been pointed out that a show cause notice was issued to the petitioner before the impugned order was passed. She was heard and was

granted a reasonable opportunity to put up her case.

3. We are satisfied that the petitioner was granted admission to the MBBS Course against a reserved seat solely on account of the error in the software of the computer system and there are about 337 more meritorious students from the same reserve category whose claim was bypassed. When this petition was on board on 1/12/2006, the learned Counsel for the petitioner had pointed out the names of two students i.e. Shri A.S. Kharat and Shri S.A. Gaikwad, who were admitted in the very same medical College. Mr. Kumbhakoni, the learned Associate Advocate General has placed before us written communication he has received from the Competent Authority and it is clear that the said two students namely Shri Kharat and Gaikwad are admitted from the 70% Regional quota, whereas, the petitioner falls in the 30% State quota and therefore, her case cannot be compared with the students from the Regional quota. This explanation furnished before us is just and proper.

4. We are further informed that the petitioner will be granted admission against a reserved category free seat at the Government College of Engineering,

Aurangabad in the first year of B.E. (Civil or Electronics and Telecommunication). Mr. Reddy has taken instructions from the petitioner and her father, who are present before us. Undoubtedly, the petitioner gave up her claim of her Engineering seat in computers, only against her admission to the MBBS course in the Grant Medical College, Mumbai and she cannot be defaulted with . It is therefore, necessary that her admission is restored to the very same course. However, we are informed that the seat vacated by the petitioner has been already allocated to a reserved category candidate who has been attending the classes for the last more than three months or so and in any case, the electives of the Course are chosen in the second year of B.E. We have been assured that the petitioner will be granted admission to the first year of B.E. (Electronics and telecommunication) during this academic year and on completion of first year, she would be admitted to the second year B.E. (Computers) as against a vacant seat at the same Engineering College. At the same time, the petitioner is not debarred from appearing for the ensuing CET for improving her merit for admission to the MBBS Course.

5. We therefore, dispose off this petition by directing the respondents to admit the petitioner to the first year B.E. (Electronics and Telecommunication) at the Government College of Engineering, Aurangabad in the current academic year and on passing the first year, she be admitted to the second year B.E. (Computer) at the very same college against a vacant seat in 2007-08. We uphold the validity of the impugned order and vacate the ad interim order. The petitioner to join the Government College of Engineering, Aurangabad within one week. The fees she has already remitted to the said College, shall be adjusted. We make it clear that the directions hereinabove have been given by us in the peculiar facts and circumstances of this case and this order shall not be cited, as a precedent in any other case, in future.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**